

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KEVIN E. JENNINGS,

Petitioner,

vs.

Civil Action 2:11-CV-404  
Judge Frost  
Magistrate Judge King

WARDEN OF ROSS CORRECTIONAL  
INSTITUTE,

Respondent.

ORDER and  
REPORT AND RECOMMENDATION

Petitioner has filed a motion for leave to proceed *in forma pauperis*, Doc. No. 1, but has paid the \$5.00 filing fee. Under these circumstances, it is **RECOMMENDED** that petitioner's motion for leave to proceed *in forma pauperis* be denied.

The Court also notes that the petition does not expressly assert any claims for relief. Petitioner is therefore **ORDERED** to file, within thirty (30) days, a petition that clearly sets out the bases for petitioner's challenge to his state court conviction. Because it also appears that the petition may be untimely, petitioner should also address the issue of the statute of limitations established in 28 U.S.C. §2244.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); F.R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. F.R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Federation of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

May 11, 2011  
(Date)

s/Norah McCann King  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge